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CORRECTIONAL EDUCATION PROGRAM. INITIATIVE STATUTE.

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BILL JONES
Secretary of State
State of California

ELECTIONS DIVISION
(916) 657-2166
1500 - 11th STREET
SACRAMENTO, CA 95814
Voter Registration Hotline
1-800-345-VOTE
For Hearing and Speech Impaired
Only
1-800-833-8683
e-mail: comments@ss.ca.gov

July 26, 2002

RECEIVED

JUL 2⁰ 2002

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND LIBRARY
HASTINGS COLLEGE OF THE LAW
PROPOSERS (02211)

FROM:

Brianna Lierman

BRIANNA LIERMAN
ELECTIONS ANALYST

SUBJECT: FAILURE OF INITIATIVE #955

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures to the hereinafter named INITIATIVE STATUTE with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has **failed**.

TITLE: CORRECTIONAL EDUCATION PROGRAM.

SUMMARY DATE: 02/13/02

PROPOSERS: JIM HARD



DIVISIONS:

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February 13, 2002

TO: ALL REGISTRARS OF VOTERS OR COUNTY CLERKS AND PROPONENTS
(02050)

FROM: Brianna Lierman
BRIANNA LIERMAN
ELECTIONS ANALYST

SUBJECT: **INITIATIVE #955**

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**CORRECTIONAL EDUCATION PROGRAM.
INITIATIVE STATUTE.**

RECEIVED

JAN 22 2002

LIBRARY
HASTINGS COLLEGE OF THE LAW

The proponent of the above-named measure is:

Jim Hard
California State Employees Association
1108 O Street
Sacramento, CA 95814

(916) 444-8134

**#955
CORRECTIONAL EDUCATION PROGRAM.
INITIATIVE STATUTE.**

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 419,260
California Constitution, Article II, Section 8(b)
2. Official Summary Date:..... Wednesday, 02/13/02
Elections Code section (Elect. Code §336)
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (Elect. Code §336)..... Wednesday, 02/13/02
 - b. Last day Proponent can circulate and file
with the county. All sections are to be filed at the
same time within each county (Elect. Code §336, 9030(a))...Monday, 07/15/02*
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (Elect. Code §9030(b)). Thursday, 07/25/02

(If the Proponent files the petition with the county on a date prior to 07/15/02,
the county has eight working days from the filing of the petition to determine the
total number of signatures affixed to the petition and to transmit the total to the
Secretary of State) (Elect. Code §9030(b)).
 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures,
and notifies the counties Saturday, 08/03/02**
 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(Elect. Code §9030(d)(e)) Monday, 09/16/02

* Date adjusted for official deadline, which falls on a Saturday (Elect. Code §15).

** Date varies based on receipt of county verification.

INITIATIVE #955

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 08/03/02, the last day is no later than the thirtieth day after the county's receipt of notification). (Elect. Code §9030(d)(e)).

- f. If the signature count is more than 461,186 or less than 398,297 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 398,297 and 461,186 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (Elect. Code §9030(f)(g); 9031(a)))Thursday, 09/26/02*
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (Elect. Code §9031(b)(c))..... Friday, 11/08/02

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 09/26/02, the last day is no later than the thirtieth working day after the county's receipt of notification) (Elect. Code §9031(b)(c)).

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (Elect. Code §9031(d); 9033)Tuesday, 11/12/02*

* Date varies based on receipt of county certification.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code sections 100,101,104,9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq. A brief summary is attached for your reference.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

Enclosures

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
Public: (916) 445-9555

Facsimile: (916) 324-8835
(916) 324-5490

February 13, 2002

FILED
In the office of the Secretary of State
of the State of California

FEB 13 2002

BILL JONES, Secretary of State

By Bianca Lierman
Deputy Secretary of State

Bill Jones
Secretary of State
1500 - 11th Street, 5th Floor
Sacramento, California 95814

RE: Initiative Title and Summary
SUBJECT: CORRECTIONAL EDUCATION PROGRAM.
INITIATIVE STATUTE.
FILE NO: SA2001RF0049, Amdt. #1-S

Dear Mr. Jones:

Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed our title and summary to the proponent of the above-identified proposed initiative.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our title and summary, a declaration of service thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent is as stated on the declaration of service.

Sincerely,

Tricia Knight

TRICIA KNIGHT
Initiative Coordinator

For **BILL LOCKYER**
Attorney General

TK:cw
Enclosures

Date: February 13, 2002
File No: SA2001RF0049,
Amdt.#1-S

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

CORRECTIONAL EDUCATION PROGRAM. INITIATIVE STATUTE. Creates Correctional Education Board to oversee the education program for state prison inmates. Requires program to provide opportunities for educational and vocational training to inmates with a reasonable expectation of release, and provide inmates to be released with courses on life management and social adaptation skills. Requires Board to appoint Superintendent of Correctional Education to: ensure that program meets minimum performance standards; develop procedure to evaluate the program's effectiveness; and develop 5-year plan for a unified correctional school system. Requires Board to submit report to Legislature with recommendations for further restructuring of the program. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: The proposed measure would result in ongoing state costs of approximately \$200 million annually for additional teaching staff, and unknown one-time capital outlay costs potentially up to several hundreds of millions of dollars for additional classroom space. There would also be minor state costs for the expenses of the Board. These costs could potentially be partially offset by unknown incarceration savings.



SA2001RF0049, Amended
California State Employees Association

1108 "O" Street • Sacramento, California 95814
(916) 444-8134 • Fax (916) 326-4215 • www.calcsea.org

VIA HAND-DELIVERY

RECEIVED
DEC 18 2001

December 17, 2001

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Office of the Attorney General
Attention: Initiative Coordinator
1300 I Street
Sacramento, CA 95814

Re: Request for Title and Summary (SA2001RF0049) - Substantive Amendments

Dear Initiative Coordinator:

Attached is initiative text containing substantive amendments to the *Robert E. Burton Correctional Educational Board Act* (your working title: **Prison Inmates Education** SA2001RF0049), which was originally submitted under cover of our letter dated December 5, 2001.

Please consider this a formal written request for Title and Summary of these amendments to the Act.

The amendments embodied in this text make a series of findings, set forth the purpose and intent of the initiative, delay for two years all dates mentioned in the original text, allow for legislative amendment of the initiative, and contain a severability clause.

The date changes are contained in Section 6501, (b), (1) through (4), Section 6503, (b), (c), (f), and Section 6504. The balance of the amendments is comprised of additional initiative sections (that do not lie within the code) and the deletion of the Legislative Counsel's digest (also not within the code sections that comprise the initiative).

Thank you so kindly for your help with this important matter.

OFFICE OF THE ATTORNEY GENERAL
December 17, 2001
Page 2

If you have any questions, please don't hesitate to call me at (916) 326-4341.

Sincerely,

A handwritten signature in cursive script that reads "Jim Hard".

JIM HARD
Civil Service Division Director

JD/mm

Attachments

cc: Civil Service Division Officers
Andy Hsia-Coron, Chair, BUNC 3
Sherrie Golden, Governmental Affairs Administrator
Unit 3 BUNC

I:\Sacramento\CONNOLLY.DSC\Initiative.AGLtr.Dec17.wpd

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

SECTION 1. Title

This Act shall be known and may be cited as the " ROBERT E. BURTON CORRECTIONAL EDUCATION BOARD ACT."

SECTION 2. Findings and Declarations

The People of the State of California hereby find and declare all of the following:

- (a) Tens and thousands of prisoners are released into California's communities each year.
- (b) Many of these parolees are unable to secure employment because they do not have the necessary education and skills to become productive members of society.
- (c) These problems can be minimized by the reorganization of prison educational programs to provide more effective education and taxpayer accountability.

SECTION 3. Purpose and Intent

The People of the State of California hereby declare their purpose and intent in enacting this Act to be as follows:

- (a) To restructure the educational system in California's prisoners under a correctional education board charged with providing accountable and effective educational programs.
- (b) To promote fiscal responsibility by ensuring that monies allocated by the legislature for prison education are not diverted to other uses.
- (c) To provide taxpayer savings by preparing offenders to become productive members of society.
- (d) To increase public safety by providing effective educational programs to reduce repeat offenders.

SECTION 4. Section 2053.4 of the Penal Code is repealed.

~~2053.4. The Director of Corrections shall appoint a Superintendent of Correctional Education, who shall oversee and administer all prison education programs. The Superintendent of Correctional Education shall set both short-term and long-term goals for inmate literacy and testing, and shall establish priorities for prison education programs.~~

SECTION 5. Creates an Accountable Prison Education System in California.

Sec. 3 Chapter 10.7 (commencing with Section 6500) is added to

Title 7 of Part 3 of the Penal Code, to read:

CHAPTER 10.7. ROBERT E. BURTON CORRECTIONAL EDUCATION BOARD

6500. There is hereby established in the Department of Corrections the Robert E. Burton Correctional Education Board; as used in this chapter "board" means the Correctional Education Board.

6501. (a) The board shall be composed of 15 members selected as follows:

- (1)** The Superintendent of Public Instruction or his or her designee. Any designee selected by the superintendent shall have an interest and expertise in the area of adult or correctional education.
- (2)** An institutional supervisor of correctional education programs from the Department of Corrections appointed by the Director of Corrections.
- (3)** A representative of the Prison Industry Authority appointed by the Director of Corrections.
- (4)** A warden of a state prison appointed by the Director of Corrections.
- (5)** A vocational instructor from the Department of Corrections appointed by the Director of Corrections.
- (6)** An academic teacher from the Department of Corrections appointed by the Senate Committee on Rules.
- (7)** One public member not employed by a state agency appointed by the Senate Committee on Rules.
- (8)** A prison rights advocate appointed by the Speaker of the Assembly.
- (9)** One public member not employed by a state agency appointed by the Speaker of the Assembly.
- (10)** A representative of the University of California appointed by the President of the University of California.
- (11)** A representative of the California State University appointed by the Chancellor of the California State University.

(12) A representative of the California Community Colleges appointed by the Chancellor of the California Community Colleges.

(13) A special education teacher from the Department of Corrections, appointed by the Secretary of Education.

(14) One public member not employed by a state agency appointed by the Governor.

(15) A representative from the State Department of Labor, Division of Apprenticeship Standards.

(b) Except for the terms of initial members, members shall be appointed for terms of four years. If a vacancy occurs, the appointing authority, as specified in subdivision (a), shall appoint a member for the remainder of that term. The terms of the initial members of the board shall expire as follows:

(1) The members selected under paragraphs (1), (2), and (5) of subdivision (a) shall expire on March 15, 2006.

(2) The members selected under paragraphs (4), (6), and (8) of subdivision (a) shall expire on March 15, 2007.

(3) The members selected under paragraphs (3), (10), (11), and (12) of subdivision (a) shall expire on March 15, 2008.

(4) The members selected under paragraphs (7), (9), (13), and (14) of subdivision (a) shall expire on March 15, 2009.

Successor members shall hold office for terms to commence on the expiration date of the term of the predecessor.

(c) Members of the board shall serve without compensation but shall be reimbursed for per diem and travel expenses incurred in the performance of their duties.

(d) The members of the board shall elect a chairperson of the board annually.

(e) The board shall meet at least six times each year. The meetings may be called by the chairperson of the board.

(f) In addition to funds allocated pursuant to subdivision (e) of Section 6502, the board may receive funds from any public or private source and is authorized to apply for any state or federal grants or funds that may be available.

6502. The board shall do each of the following:

(a) Adopt and enforce all necessary rules and regulations for the management and operation of education programs within the Department of Corrections including operating procedures and the goals of correctional education in compliance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340), of Part 1 of Division 3 of Title 2 of the Government Code). All rules or regulations adopted by the board shall be in accordance with the rules and regulations of the Department of Corrections relating to security and any applicable rules or regulations adopted by the Superintendent of Public Instruction.

(b) Approve education programs of the appropriate levels and types in the correctional institutions and adopt rules and regulations for the admission of inmate students to these educational programs.

(c) Enter into agreements with public or private school districts, entities, community colleges, colleges, or universities, as appropriate, for the purpose of carrying out the duties and responsibilities of the board. All agreements and contracts for instructional services shall expressly prescribe the qualifications of the board's expectations for instructors and the educational objectives to be met. In the identification and provision of special education services, the board shall establish all appropriate interagency agreements with service providers. All hiring decisions and other personnel matters with respect to correctional education programs shall be made by the board or their designee consistent with civil service regulations. No work currently being performed by state employees shall be assigned to contract employees.

(d) In conjunction with parole and other after care programs and consistent with the policies adopted by the board, develop and implement a plan for providing transitional educational services for inmates, including, but not limited to, counseling and placement services.

(e) Prepare that portion of the budget request of the Department of Corrections for correctional education programs. The allocation of funds designated for correctional education programs shall be made by the board. After the annual Budget Bill has been passed by the Legislature and signed by the Governor, no funds appropriated by that Budget Bill for correctional education programs may be redistributed or diverted for other purposes without the approval of two-thirds of the entire board.

(f) Provide each of the educational opportunities set forth in paragraphs (1) to (4), inclusive, to inmates while in prison. However, the board is not required to provide educational opportunities to inmates upon the inmate's release from prison.

(1) Provide every inmate who has a reasonable expectation of release from custody with the opportunity to achieve functional literacy, specifically the ability to read and write the English language and to perform routine

mathematical functions at a ninth grade level prior to his or her release or expiration of sentence. If the inmate has demonstrated the intellectual capacity to benefit therefrom, the board shall provide that inmate with the opportunity to obtain the equivalent of a high school education.

(2) Provide every inmate who has a reasonable expectation of release from custody with the opportunity to achieve entry-level vocational skills in occupational fields in which there is a demonstrable demand within the economy of this state.

(3) Provide every inmate to be released from custody with life management skills and social adaptation skills to allow the inmate to function successfully in society.

(4) Provide inmates who demonstrate college-level academic capacity with the opportunity to engage in college-level academic programs within correctional facilities. The associated costs of these programs shall be borne by the inmate or generated by private or foundation funding.

(g) Visit and inspect correctional schools as the board deems necessary and may name each correctional school if necessary.

6503. There is hereby established the position of Superintendent of Correctional Education who shall be appointed by the board and shall serve at the pleasure of the board. The Superintendent of Correctional Education shall meet the same qualifications as required of a school district superintendent. The superintendent shall do each of the following:

(a) Ensure that correctional education programs meet minimum performance standards and provide ninth grade literacy skills and marketable vocational skills.

(b) In cooperation with the State Department of Education, develop a procedure by January 1, 2005, to evaluate the effectiveness of correctional education programs, including criteria similar to those utilized by the State Department of Education. An evaluation shall be done on a biennial basis thereafter.

(c) (1) Ensure that all education staff are certified in accordance with the State Department of Education standards by January 1, 2006. Provision shall be made for the development of individual plans, approved by the director, in the event any current education staff member does not qualify for certification. In lieu of certification, correctional librarians shall hold a master's degree in library science from a library program accredited by the American Library Association.

(2) Ensure that in performing educational services, the members of the education staff do not perform peace officer duties.

- (3) Ensure that educational staff adhere to institutional security standards and maintain safety status to continue the institutional security and protection of the public safety.
- (d) Develop a procedure for maintaining a list of substitute teachers so that students are not displaced in the event a regular instructor is absent for any reason.
- (e) Develop a mechanism to test all offenders committed to the custody of the Department of Corrections for academic achievement unless the offenders are specifically excluded from the testing requirement by board policy. Standards shall be in accordance with acceptable State Department of Education testing standards for academic achievement.
- (f) Develop a five-year comprehensive plan for a unified correctional school system by June 1, 2006. This unified school system shall not constitute a school district nor any other local educational agency. The plan shall have a three-year phase in schedule and shall require the director to do each of the following:
 - (1) Work with the Prison Industry Authority to develop training programs for offenders.
 - (2) Develop measurable objectives for correctional education.
 - (3) Develop quality control mechanisms for correctional education.
 - (4) Integrate academic education and vocational education with participation in prison industries programs.
- (g) Be responsible to the board for all academic education and vocational training programs.
- (h) Ensure that vocational education programs complement existing Prison Industry Authority programs whenever possible.
- (i) In conjunction with the Department of Corrections, determine conditions under which an inmate may be removed from an education program or the classroom. The conditions developed for removal of an inmate from an education program or the classroom shall be consistent with any regulations or policies of the Department of Corrections as well as any federal laws.
- (j) Conduct a survey of all correctional institutions to identify inmates with special education needs and develop a plan whereby those special needs are addressed.
- (k) Develop and implement an ongoing teacher training program in correctional education in conjunction with the Commission on Teacher Credentialing.

(l) Make recommendations to the board concerning the budget, selection of instructional materials, and curriculum.

(m) Take responsibility for performing any duties that the board may otherwise assign.

6504. The board shall submit a report to the Legislature on or before January 1, 2006, with recommendations for further restructuring of correctional education in this state. The report shall focus on, but not be limited to, each of the following:

(a) Attaining parallel education programs between correctional and public education.

(b) Correctional education governance system.

(c) Funding sources.

(d) Correctional education curriculum.

(e) Correctional library standards.

(f) Correctional teacher training.

(g) Appropriate correctional education liaisons with the greater educational community in this state.

SECTION 6. Amendment

This Act may be amended only by a roll call vote of two-thirds of the membership of both houses of the Legislature. All amendments to this Act shall be to further the Act and shall be consistent with its purposes.

SECTION 7. Severability

If any provision of this Act or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this initiative which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this initiative are severable.

